



MEMO ENDORSED

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February 7, 2011

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Honorable Richard M. Berman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

SO ORDERED:
Date: 2/8/11

Richard M. Berman
Richard M. Berman, U.S.D.J.

Raymond Jaquez and Multi-Vitamin Energy Corp. v. Energy Brands Inc.,
10 Civ. 4972 (RMB)

Dear Judge Berman:

We submit this letter on behalf of both parties per the instruction received from your clerk James on Friday.

The parties hereby confirm that they are available for a conference before the Court on any of February 23, 24 or 25 (with Energy Brands' representatives in Atlanta available by telephone on those days).

In addition, this letter confirms that, at least one business day prior to the scheduled conference, the parties will each submit an ex parte letter to the Court of no more than three pages setting forth the party's position on the open issue on which the parties could not agree at the last conference.

In the event that the parties reach a settlement before the next scheduled conference, we will inform the Court.

Respectfully submitted,

Zev Parnass
Zev Parnass

cc: Harold G. Furlow, Esq.
Counsel for Raymond Jaquez and Multi-Vitamin Energy Corp.
(by email)

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